



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
December 1, 2017 16:22

By: PAUL J. CRISTALLO 0061820

Confirmation Nbr. 1239891

ERIMIUS SPENCER

CV 17 889899

VS.

Judge: NANCY MARGARET RUSSO

CITY OF EUCLID, ET AL

Pages Filed: 17

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ERIMIUS SPENCER
C/O CRISTALLO & LaSALVIA
614 W. SUPERIOR AVENUE
SUITE 801
CLEVELAND, OHIO 44113

Plaintiff

-vs-

THE CITY OF EUCLID
585 E. 222nd STREET
EUCLID, OHIO 44123

-and-

EUCLID POLICE OFFICER
MICHAEL AMIOTT, #82
C/O THE CITY OF EUCLID
585 E. 222nd STREET
EUCLID, OHIO 44123
(This individual is sued in his official and
individual capacity)

-and-

EUCLID POLICE OFFICER
SHANE RIVERA, #63
C/O THE CITY OF EUCLID
585 E. 222nd STREET
EUCLID, OHIO 44123

CASE NO. _____

JUDGE _____

COMPLAINT

**(JURY DEMAND ENDORSED
HEREON)**

(This individual is sued in his official and)
individual capacity))
)
-and-)
)
RHM REAL ESTATE GROUP)
RHM REAL ESTATE INC.,)
C/O JOHN JOYCE , JR.)
RHM REAL ESTATE INC.,)
26949 CHAGRIN BLVD., SUITE #208)
BEACHWOOD, OHIO 44112)
)
-and-)
)
JOHN DOE SECURITY CORPORATION)
NAME AND ADDRESS UNKNOWN)
C/O JOHN JOYCE , JR.)
RHM REAL ESTATE INC.,)
26949 CHAGRIN BLVD., SUITE #208)
BEACHWOOD, OHIO 44112)
)
Defendants)

INTRODUCTION

1. Plaintiff Erimius Spencer brings this civil rights lawsuit to address the violations of his Constitutional rights, his rights under Ohio law, and his resulting damages and injuries. On December 5, 2016, Spencer was stopped in the hallway of his apartment by Euclid Police Officers Amriott and Rivera. There was no legal justification for the stop and subsequent interrogation. Spencer complied with all of the Officers' orders and was respectful in his answers to their questions. Nevertheless, Officer Amriott reached into one of Spencer's pockets and pulled out what Amriott believed to be a small amount (est. 1 gram or less) of marijuana. Amriott immediately and forcefully grabbed Spencer's arm and twisted it. Rivera also approached Spencer and grabbed him. Spencer was compliant but was not told what was going on or why. Rather, Amriott angrily

shouted at Spencer to stop resisting or words to that effect. Spencer, however, wasn't resisting. Amriott then kneced Spencer in the groin and pushed Spencer to the ground. Rivera jumped on top of Spencer and restrained him so that Spencer could not move his arms. Spencer began shouting "What are you doing?!", and "I'm not resisting!" or words to that effect. Spencer then shouted for help, and that is when Amriott kicked Spencer in the face. Amriott kicked Spencer in the face with such force that he fractured Spencer's left orbital bone. Spencer began bleeding profusely from his facial injury and continued to cry for help. Officer Rivera and Amriott both deployed their tasers - ultimately tasing Spencer at least ten (10) times. Spencer was tased on both of his arms, his hamstring area, and even his neck.

2. Spencer was eventually taken to Euclid Hospital. The medical staff at Euclid Hospital recommended Spencer be transferred to MetroHealth Hospital because MetroHealth has a trauma unit and Spencer's injuries were sufficiently severe.

3. Later, Amriott and Rivera attempted to justify their use of force by alleging Spencer was 'violently uncontrollable'. Spencer, 5'6" and 155 lbs. has no criminal felony record nor does he have any history of violence. Amriott, 6'1" and 218 lbs., has a history of misconduct, dishonesty and using excessive force.

JURISDICTION AND VENUE

4. This action is brought pursuant to claims arising under the laws of the State of Ohio, 42 U.S.C. § 1983, and the Fourth and Fourteenth Amendments to the United States Constitution. This action is also brought pursuant to 28 U.S.C. §§ 1983, 1985 and 1988 as it is also an action for compensatory damages, punitive damages, and attorney fees.

PARTIES

5. Plaintiff Erimius Spencer is a resident of Cuyahoga County, Ohio.

6. Defendants Amiott and Rivera were, at all times relevant hereto, and in their actions described herein, appointed police officers employed by the City of Euclid.

7. At all times relevant hereto and in all their actions described herein, Defendants Amiott and Rivera were acting under color of law and pursuant to their authority. They are sued in their official and individual capacities.

8. Defendants Amiott and Rivera acted within the scope of their employment and in the performance of their official duties.

9. To the extent Defendants Amiott and Rivera were providing security services or other performing other duties for and/or through a private entity and/or entities, they were acting in their capacities as law enforcement agents as set forth above in paragraphs 9 – 11.

10. Defendant City of Euclid is a municipal corporation, duly incorporated under the laws of the State of Ohio, is a “person” for purposes of 42 USC §1983, and is responsible for the customs, practices and policies of its Police Department.

11. Defendants RIIM Real Estate Group and RIIM Real Estate Inc., are lawfully incorporated corporations, duly registered with the Ohio Secretary of State and having principal places of business in the State of Ohio with agents located in Cuyahoga County, Ohio. These Defendants are domestic, for-profit corporation organized under the laws of the State of Ohio. Some of the individual Defendants were also acting pursuant to the express and/or implied direction, policies, and approval of Defendants RHM Real Estate Group and/or RIIM Real Estate Inc.

12. To the extent RHM Real Estate Group and RHM Real Estate Inc., retained and/or employed Defendants Amriott and/or Rivera during the events as set forth in Plaintiff's Complaint, they bear some responsibility for Amriott and Rivera's actions based on the legal relationship between these Defendants.

13. John Doe Security Corporation, name and address currently unknown despite efforts to determine same, bears some responsibility for Amriott and Rivera's actions based on the legal relationship between these Defendants. Some of the individual Defendants were also acting pursuant to the express and/or implied direction, policies, and approval of John Doe Security Corporation.

FACTS

14. Erimius Spencer was an established resident and lawful tenant of Richmond Hills Apartments in Euclid Ohio. On December 5, 2016, shortly after 7:00 p.m., Spencer walked from his apartment on the 5th floor to the 4th floor. Spencer was merely going to get a cigarette from an acquaintance/neighbor he knew in the building. While standing outside his friend's apartment, Officers Michael Amriott and Shane Rivera entered the 4th floor hallway approximately 75 feet away. Upon seeing Spencer from a distance, they shouted for him to stop. Spencer, unarmed and not engaged in criminal activity, didn't flee. Rather, he waited for the police at the end of hallway.

15. The Officers, with no lawful basis to interrogate Spencer, began asking him questions and Spencer provided truthful answers. Spencer voluntarily gave his name, provided identification, explained that he lived on the 5th floor, and further explained why he was on the 4th floor.

16. The Officers continued to question Spencer, asking him about whether or not he was armed and if he had any outstanding warrants, etc. Again, Spencer was calm, non-combative and respectful. He answered all of the Officers' questions truthfully, including the fact that he was unarmed.

17. Officer Amiott then reached into one of Spencer' front pockets and pulled out what he believed was a small amount (less than 1 gram) of marijuana. Officer Amiott immediately grabbed Spencer' arm and began twisting it. Officer Amiott's response was sudden and unnecessarily aggressive. Spencer was pushed against the hallway wall and grabbed by both Officers Amiott and Rivera. Spencer tried to be calm and asked the Officers why they were doing this, but he was ignored. Rather, Officer Amiott was shouting at Spencer to 'Stop Resisting!' despite the fact that Spencer was being compliant. Amiott then kneed Spencer in the groin and forcefully pushed Spencer to the ground.

18. Officer Rivera was immediately on top of Spencer. Spencer had his hands and arms restrained while he was on the floor of the hallway. He shouted that he wasn't resisting and pleaded for the Officers to stop. Spencer was shouting for the Officers to stop and then shouted for help. At this juncture, Officer Amiott then violently kicked Spencer in the eye with such force that he broke Spencer's his left orbital bone. The skin on Spencer' face immediately broke open and he began to bleed profusely.

19. Spencer was also turned on his side and repeatedly tased. The Officers tased Spencer with such malicious abandon that Spencer had taser burns on the left and right side of his neck, his left and right bicep, as well as his left hamstring area. Spencer

was tased approximately ten (10) times. Spencer was either restrained and/or handcuffed during this brutal assault by the two Officers.

20. Spencer was eventually pulled to his feet and taken to Euclid Hospital on Lakeshore Blvd. When he arrived at Euclid Hospital, the Officers insisted that he be handcuffed to a bed.

21. The medical staff at Euclid Hospital diagnosed Spencer with various injuries, including but not limited to a bruising, abrasions, taser injuries, and a fracture of his left orbital bone. (See, Figure 1)



Figure 1

22. Spencer remained handcuffed to the side of the hospital bed for two hours.

23. At 9:47 p.m., Officers Amiott and/or Rivera decided that Spencer was no longer under arrest. They removed the handcuffs, left three tickets on his bed, and walked out.

24. Spencer was then advised by the medical staff at Euclid Hospital that he should be transferred to MetroHealth Hospital because they have a trauma center and Euclid Hospital does not. That is to say, the medical personnel at Euclid believed Spencer' injuries were severe enough that an EMS squad was ordered and transported him to MetroHealth Emergency Department so that the full extent of his injuries could be evaluated by medical professionals specifically trained in traumatic injuries.

25. While at MetroHealth hospital, Spencer was evaluated and further treated for his traumatic injuries. A CT scan of his head was performed so as to rule out intracranial bleeding and/or swelling of the brain. His physical injuries remained prominent. (See, Figures 2 and 3)



Figure 2



Figure 3

26. At the time of this incident, Officer Amiott asserted he was 6'1" and weighed 218 lbs. Euclid Hospital confirmed Spencer's height at 5'6" and his weight at 155 lbs.

27. The three tickets Officer Amiott left with Spencer cited him for four crimes: Theft, Resisting Arrest, Criminal Damaging and Drug Abuse.

28. None of the tickets issued by Officer Amiott included any factual support or details relative to what Spencer had actually done to warrant being charged with each crime. Rather, Officer Amiott merely included an allegation of a crime (e.g., "Criminal Damage") and a definition of the crime ("No person shall cause physical harm to property without the other person's consent").

29. Officer Amiott later explained that the "Criminal Damage" occurred when a plastic part of his taser broke, and also because his sunglasses were "destroyed".

Officer Amriott cited Spencer for "Theft" because, according to Officer Amriott, Spencer temporarily grabbed his taser. Spencer did not break Officer Amriott's glasses, he did not break Officer Amriott's taser, and he never grabbed for Officer Amriott's taser, let alone took possession of it.

30. Spencer' possession of what was allegedly less than (1) gram of marijuana was the justification for charging him with "Drug Abuse". It is noteworthy that Ohio law considers the possession of less than one hundred (100) grams of marijuana a minor misdemeanor, not punishable by jail or even arrest, with a maximum fine of \$150.00.

31. Thereafter, the City of Euclid prosecuted Spencer for the charges Officer Amriott brought against him, beginning with an arraignment scheduled for December 15, 2016.

32. On August 12, 2017, Euclid Officer Michael Amriott arrested Richard Hubbard III. The arrest was captured on a cell phone video and garnered international attention for the brutal and violent manner in which Officer Amriott abused Mr. Hubbard. Officer Amriott was suspended from employment with the City of Euclid following this incident.

33. Shortly thereafter the City of Euclid hired outside counsel to prosecute Spencer. A discovery request was made for the evidence supporting Officer Amriott's allegations, including but not limited to the broken taser, the broken glasses and the marijuana, but this evidence was never produced. The prosecution against Spencer continued until September 7, 2017 when the theft, resisting arrest and criminal damage charges were all dismissed by the prosecution with prejudice.

34. Officer Amriott's unfounded tickets and false allegations against Spencer is not the first time he has engaged in such misconduct.

35. On April 3, 2014, Officer Amriott was forced to resign from the City of Mentor Police Department after an internal investigation determined that Officer Amriott "*made a false statement in his police report*". In that instance, the City of Mentor concluded that Officer Amriott had violated various sections of the Mentor Police Department's Code of Conduct including but not limited to "Truthfulness", "Reporting", and "Arrest, Search & Seizure".

36. Upon information and belief, neither Officer Amriott nor Officer Rivera were disciplined for their misconduct relative to Spencer's arrest or injuries. Further, upon information and belief, this unconstitutional use of excessive force was not adequately investigated by the City of Euclid or any other Defendant.

37. Spencer sustained severe and permanent injuries as a result of the actions of Officers Amriott and Rivera. Spencer has endured pain, suffering, and emotional distress stemming from this incident.

38. The Defendants' conduct as set forth herein constitutes willful, wanton, reckless, malicious and/or negligent behavior, all of which directly and proximately caused Spencer's injuries.

39. Spencer continues to suffer injuries and incurs damages as a result of the actions and inactions of the Defendants, individually and collectively.

FIRST CAUSE OF ACTION
Excessive Force/Failure to Intervene

40. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

41. The actions of Defendants Officers Amriott and Rivera constituted an unjustifiable and excessive use of force without legal justification. Their actions were deliberately indifferent, reckless, wanton and shocking to the conscience, all of which deprived Plaintiff Spencer of his civil rights, as secured by the Fourth and Fourteenth Amendments to the United States Constitution and through 42 U.S. C. §1983.

42. The actions of the Defendant Officers Amriott and Rivera were committed maliciously and/or in an unreasonable, wanton and/or reckless manner.

43. Defendants Amriott and Rivera had the opportunity, as well as a legal duty, to intervene and to protect Spencer from having his rights violated. Defendants failed in this respect and are also therefore liable.

44. The Defendant's actions were performed under color of law and deprived Spencer of federally protected rights, in violation of 42 U.S.C. § 1983.

45. As a direct and proximate result of the wrongful conduct of Defendants, Plaintiff Spencer Spencer suffered physical injuries and emotional distress.

SECOND CAUSE OF ACTION
Assault and Battery

46. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

47. The acts and omissions of Defendants Amriott and Rivera constitute assault and battery, as well as willful, wanton, intentional, and reckless conduct under the law of the State of Ohio.

48. As a direct and proximate result of the Defendants' assault and battery, Spencer sustained physical injuries, emotional distress and other losses.

THIRD CAUSE OF ACTION
Intentional Infliction of Emotional Distress

49. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

50. Through their unreasonable and unlawful conduct, the Defendants Amriott and Rivera either intended to cause Spencer emotional distress or knew or should have known that their actions or inactions would result in serious emotional distress. Further, their actions toward Spencer were so extreme and outrageous as to go beyond all possible bounds of decency and were intolerable.

51. The Defendants' actions have directly and proximately caused Spencer psychic injury from which he suffers and will continue to suffer into the future.

FOURTH CAUSE OF ACTION
Negligent Hiring, Training, and Supervision

52. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

53. Defendants City of Euclid, RHM Real Estate Group, RHM Real Estate Inc., and/or John Doe Security Corporation negligently failed to screen and negligently hired their employees and/or agents. This failure and negligence led to the hiring of individuals who should not have been charged with arresting Spencer. Spencer sustained injuries and damages as a direct and proximate result of this negligence and failure.

54. These Defendants negligently failed to train their employees and/or agents. This failure and negligence led to inadequately trained individuals being charged with arresting, restraining and handling Spencer or otherwise involved in his detention. Spencer sustained injuries and damages as a direct and proximate result of this negligence and failure.

FIFTH CAUSE OF ACTION
42 U.S.C. § 1983

55. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

56. The Defendants have, under color of state law, deprived Spencer of rights, privileges and immunities secured by the Fourth and Fourteenth Amendments to the U.S. Constitution.

57. The City of Euclid and its officials, policymakers, employees and/or officers failed to adequately train and supervise their police officers relative to the use of force, arrest procedures, restraint, and intervening when rights are being violated.

58. The rules, regulations, customs, policies and procedures of the City of Euclid were inadequate and unreasonable and were the moving force behind the Constitutional deprivations suffered by Spencer.

59. Although the policymakers were on notice of the obvious need to train and supervise the police in the area of policies and procedures relating to arrest procedures, the use of force, and intervention on behalf of arrestees, these City of Euclid failed to adequately train and supervise the individual police officers in that regard.

60. The City of Euclid, its officers, officials, and employees also failed to adequately investigate the incident at issue in Plaintiff's Complaint. There was no legal justification for the degree of physical force employed by Defendants Amriott and Rivera against Mr. Spencer. Despite the fact that this objectively inappropriate use of force took place and resulted in serious physical injury, no adequate investigation was conducted. Based on these Defendants adopting and implicitly condoning the use of excessive force, they are liable for directly and proximately causing the deprivation of Mr. Spencer's rights.

61. As a direct and proximate result of these failures by Defendant the City of Euclid, Plaintiff Spencer sustained injury, a loss of his rights, economic and non-economic damages.

SIXTH CAUSE OF ACTION
Negligence/Willful, Wanton and Reckless

62. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

63. Defendant Officers Amriott and Rivera acted with a malicious purpose, in bad faith and/or in a willful, wanton, and/or reckless manner such that Spencer sustained injury, damages and economic and non-economic losses. Officers Amriott and Rivera's conduct, and their failure to exercise due care, precludes them from the defense of immunity, set forth in Ohio Revised Code §2744.01 *et seq.*, based on the fact that they acted in a malicious, willful, wanton, and/or reckless manner.

DAMAGES

64. The foregoing paragraphs are incorporated by reference herein as if fully rewritten.

65. As a direct and proximate result of the Defendants' conduct, Spencer suffered a loss and violation of his Constitutional rights, a loss and violation of his state of Ohio rights, physical injury, pain, mental anguish and emotional distress, as well as economic and non-economic losses, some or all of which may be permanent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for:

- (A) Compensatory and consequential damages for all the injuries identified in the amount in excess of Twenty Five Thousand Dollars (\$25,000.00);
- (B) Punitive damages against individual Defendants in an amount to be determined at trial for the willful and malicious conduct of these Defendants;
- (C) Attorneys' fees and the costs of this action and other costs that may be associated with this action; and
- (D) Any and all other relief this Court deems equitable, necessary, and just.

/s/ Paul J. Cristallo
PAUL J. CRISTALLO (0061820)
Cristallo & LaSalvia, LLC.
The Rockefeller Building
614 West Superior Avenue, Suite 820
Cleveland, OH 44113
Telephone: (216) 400-6290
Facsimile: (216) 727-0160
E-Mail: paul@makeitrightohio.com

COUNSEL FOR PLAINTIFF SPENCER
SPENCER

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Paul J. Cristallo
PAUL J. CRISTALLO (0061820)



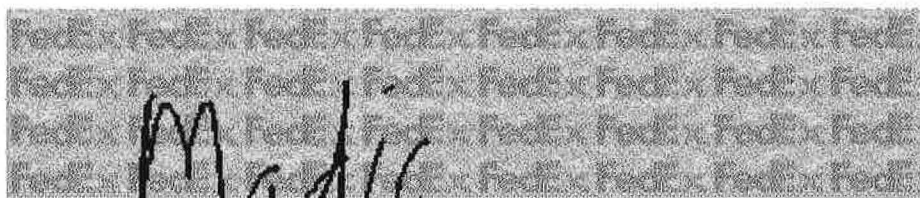
December 6, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **788751444420**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	M.MODIC	Delivery location:	585 E 222ND ST EUCLID, OH 44123
Service type:	FedEx Express Saver	Delivery date:	Dec 5, 2017 14:27
Special Handling:	Deliver Weekday Direct Signature Required		



Shipping Information:

Tracking number:	788751444420	Ship date:	Dec 4, 2017
		Weight:	0.5 lbs/0.2 kg

Recipient:
CITY OF EUCLID
585 E. 222ND STREET
EUCLID, OH 44123 US

Shipper:
CCoC
1200 Ontario
Cleveland, OH 44113 US

Reference
Invoice number

CV17889899
33951159

Thank you for choosing FedEx.



December 6, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **788751444740**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	M.MODIC	Delivery location:	585 E 222ND ST EUCLID, OH 44123
Service type:	FedEx Express Saver	Delivery date:	Dec 5, 2017 14:27
Special Handling:	Deliver Weekday Direct Signature Required		



Shipping Information:

Tracking number:	788751444740	Ship date:	Dec 4, 2017
		Weight:	0.5 lbs/0.2 kg

Recipient:
EUCLID POLICE OFFICER, MICHAEL AMIO
C/O CITY OF EUCLID
585 E. 222ND STREET
EUCLID, OH 44123 US

Shipper:
CCoC
1200 Ontario
Cleveland, OH 44113 US

Reference	CV17889899
Invoice number	33951160

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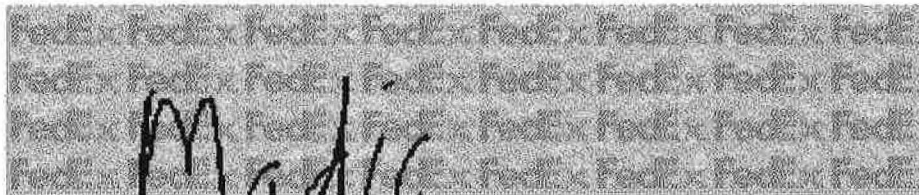
December 6, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **788751445644**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	M.MODIC	Delivery location:	585 E 222ND ST EUCLID, OH 44123
Service type:	FedEx Express Saver	Delivery date:	Dec 5, 2017 14:27
Special Handling:	Deliver Weekday		
	Direct Signature Required		



Shipping Information:

Tracking number:	788751445644	Ship date:	Dec 4, 2017
		Weight:	0.5 lbs/0.2 kg

Recipient:
EUCLID POLICE OFFICER, SHANE RIVERA
C/O CITY OF EUCLID
585 E. 222ND STREET
EUCLID, OH 44123 US

Shipper:
CCoC
1200 Ontario
Cleveland, OH 44113 US

Reference	CV17889899
Invoice number	33951161

Thank you for choosing FedEx.



December 6, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **788751446066**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	M.GALLAGHER	Delivery location:	26949 CHAGRIN BLVD 208 BEACHWOOD, OH 44112
Service type:	FedEx Express Saver	Delivery date:	Dec 5, 2017 10:14
Special Handling:	Deliver Weekday		
	Direct Signature Required		

Shipping Information:

Tracking number:	788751446066	Ship date:	Dec 4, 2017
		Weight:	0.5 lbs/0.2 kg

Recipient:
RHM REAL ESTATE GROUP RHM REAL ESTA
C/O JOHN JOYCE, JR. RHM REAL ESTATE
26949 CHAGRIN BLVD.,
SUITE 208
BEACHWOOD, OH 44112 US

Shipper:
CCoC
1200 Ontario
Cleveland, OH 44113 US

Reference
Invoice number

CV17889899
33951162

Thank you for choosing FedEx.



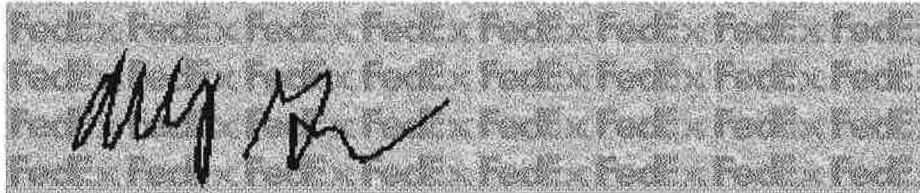
December 6, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **788751446662**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	M.GALLAGHER	Delivery location:	26949 CHAGRIN BLVD 208 BEACHWOOD, OH 44112
Service type:	FedEx Express Saver	Delivery date:	Dec 5, 2017 10:14
Special Handling:	Deliver Weekday		
	Direct Signature Required		



Shipping Information:

Tracking number:	788751446662	Ship date:	Dec 4, 2017
		Weight:	0.5 lbs/0.2 kg

Recipient:	Shipper:
JOHN DOE SECURITY CORPORATION	CCoC
NAME AND ADDRESS UNKNOWN?C/O JOHN J	1200 Ontario
26949 CHAGRIN BLVD., SUITE #208	Cleveland, OH 44113 US
BEACHWOOD, OH 44112 US	

Reference	CV17889899
Invoice number	33951163

Thank you for choosing FedEx.

CASE NO.
CV17889899

D1 FX

SUMMONS NO.
33951159

Rule 4 (B) Ohio

Rules of Civil
Procedure

ERIMIUS SPENCER
VS
CITY OF EUCLID, ET AL

PLAINTIFF
DEFENDANT

SUMMONS

CITY OF EUCLID
585 E. 222ND STREET
EUCLID OH 44123

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Said answer is required to be served on:



Plaintiff's Attorney

PAUL J CRISTALLO
THE ROCKEFELLER BUILDING
614 WEST SUPERIOR AVENUE SUITE 820
CLEVELAND, OH 44103-0000

Case has been assigned to Judge:

NANCY MARGARET RUSSO
Do not contact judge. Judge's name is given for attorney's reference only.

DATE SENT
Dec 4, 2017

NAILAH K. BYRD
Clerk of the Court of Common Pleas

By _____
Deputy



COMPLAINT FILED 12/01/2017



CASE NO.
CV17889899

D2 FX

SUMMONS NO.
33951160

Rule 4 (B) Ohio

Rules of Civil
Procedure

ERIMIUS SPENCER
VS
CITY OF EUCLID, ET AL

PLAINTIFF
DEFENDANT

SUMMONS

EUCLID POLICE OFFICER, MICHAEL
AMIOTT, #82
C/O CITY OF EUCLID
585 E. 222ND STREET
EUCLID OH 44123-0000

You have been named defendant in a sums
complaint (copy attached hereto) filed in Cuyahoga
County Court of Common Pleas, Cuyahoga County
Justice Center, Cleveland, Ohio 44113, by the
plaintiff named herein.

You are hereby summoned and required to answer
the complaint within 28 days after service of this
summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's
Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court
within 3 days after service of said answer on
plaintiff's attorney.

If you fail to do so, judgment by default will be
rendered against you for the relief demanded in the
complaint.

Said answer is required to be served on:

Plaintiff's Attorney

PAUL J CRISTALLO
THE ROCKEFELLER BUILDING
614 WEST SUPERIOR AVENUE SUITE 820
CLEVELAND, OH 44103-0000

Case has been assigned to Judge:

NANCY MARGARET RUSSO
Do not contact judge. Judge's name is given for
attorney's reference only.

DATE SENT
Dec 4, 2017

NAILAH K. BYRD
Clerk of the Court of Common Pleas

By _____
Deputy



COMPLAINT FILED 12/01/2017



CASE NO.
CV17889899

D3 FX

SUMMONS NO.
33951161

Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

ERIMIUS SPENCER
VS
CITY OF EUCLID, ET AL

PLAINTIFF

DEFENDANT

EUCLID POLICE OFFICER, SHANE
RIVERA, #63
C/O CITY OF EUCLID
585 E. 222ND STREET
EUCLID OH 44123-0000

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County Court of Common Pleas, Cuyahoga County
Justice Center, Cleveland, Ohio 44113, by the
plaintiff named herein.

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the complaint within 28 days after service of this
summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's
Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court
within 3 days after service of said answer on
plaintiff's attorney.

If you fail to do so, judgment by default will be
rendered against you for the relief demanded in the
complaint.

Said answer is required to be served on:

Plaintiff's Attorney

PAUL J CRISTALLO
THE ROCKEFELLER BUILDING
614 WEST SUPERIOR AVENUE SUITE 820
CLEVELAND, OH 44103-0000

Case has been assigned to Judge:

NANCY MARGARET RUSSO
Do not contact judge. Judge's name is given for
attorney's reference only.

NAILAH K. BYRD
Clerk of the Court of Common Pleas



DATE SENT
Dec 4, 2017

By _____
Deputy

COMPLAINT FILED 12/01/2017



CASE NO.

CV17889899

D4 FX

SUMMONS NO.

33951162

Rule 4 (B) Ohio

Rules of Civil
Procedure

ERIMIUS SPENCER

VS

CITY OF EUCLID, ET AL

PLAINTIFF

DEFENDANT

SUMMONS

RHM REAL ESTATE GROUP RHM REAL
ESTATE INC.
C/O JOHN JOYCE, JR.
RHM REAL ESTATE INC.
26949 CHAGRIN BLVD.,
SUITE 208
BEACHWOOD OH 44112

You have been named defendant in a sums
complaint (copy attached hereto) filed in Cuyahoga
County Court of Common Pleas, Cuyahoga County
Justice Center, Cleveland, Ohio 44113, by the
plaintiff named herein.

You are hereby summoned and required to answer
the complaint within 28 days after service of this
summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's
Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court
within 3 days after service of said answer on
plaintiff's attorney.

If you fail to do so, judgment by default will be
rendered against you for the relief demanded in the
complaint.

Said answer is required to be served on:



Plaintiff's Attorney

PAUL J CRISTALLO
THE ROCKEFELLER BUILDING

614 WEST SUPERIOR AVENUE SUITE 820
CLEVELAND, OH 44103-0000

Case has been assigned to Judge:

NANCY MARGARET RUSSO
Do not contact judge. Judge's name is given for
attorney's reference only.

NAILAH K. BYRD
Clerk of the Court of Common Pleas

By 
Deputy



DATE SENT

Dec 4, 2017

COMPLAINT FILED 12/01/2017



CASE NO.
CV17889899

D5 FX

SUMMONS NO.
33951163

Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

ERIMIUS SPENCER
VS
CITY OF EUCLID, ET AL

PLAINTIFF
DEFENDANT

JOHN DOE SECURITY CORPORATION
NAME AND ADDRESS UNKNOWN
C/O JOHN JOYCE, JR.
RHM REAL ESTATE INC.
26949 CHAGRIN BLVD., SUITE #208
BEACHWOOD OH 44112

You have been named defendant in a sums
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rendered against you for the relief demanded in the
complaint.

Said answer is required to be served on:

Plaintiff's Attorney

PAUL J CRISTALLO
THE ROCKEFELLER BUILDING

614 WEST SUPERIOR AVENUE SUITE 820
CLEVELAND, OH 44103-0000

Case has been assigned to Judge:

NANCY MARGARET RUSSO
Do not contact judge. Judge's name is given for
attorney's reference only.

DATE SENT
Dec 4, 2017

NAILAH K. BYRD
Clerk of the Court of Common Pleas

By _____
Deputy



COMPLAINT FILED 12/01/2017



Print

CASE INFORMATION**CV-17-889899 ERIMIUS SPENCER vs. CITY OF EUCLID, ET AL****Summary**

Case Number: CV-17-889899
Case Title: ERIMIUS SPENCER vs. CITY OF EUCLID, ET AL
Case Designation: TORT-MISCELLANEOUS
Filing Date: 12/01/2017
Judge: NANCY MARGARET RUSSO
Magistrate: N/A
Mediator: N/A
Room: 18C JUSTICE CENTER
Next Action: CASE MGMNT CONFERENCE on 01/23/2018 at 02:15 PM
File Location: JUDGES FILE
Last Status: ACTIVE
Last Status Date: 12/01/2017
Last Disposition: NEWLY FILED
Last Disposition Date: 12/01/2017
Prayer Amount: \$250,000.00
Court of Appeals Case: N/A

Service

Party Role	Name	Service	Date	Response	Date
P(1)	ERIMIUS SPENCER	E-FILING SERVICE EMAIL	12/28/2017		
P(1)	ERIMIUS SPENCER	E-FILING SERVICE EMAIL	12/28/2017		
D(1)	CITY OF EUCLID	SUMS COMPLAINT FEDERAL EXPRESS	12/04/2017	COMPLETED	12/05/2017
D(2)	EUCLID POLICE OFFICER, MICHAEL AMIOTT, #82	SUMS COMPLAINT FEDERAL EXPRESS	12/04/2017	COMPLETED	12/05/2017
D(3)	EUCLID POLICE OFFICER, SHANE RIVERA, #63	SUMS COMPLAINT FEDERAL EXPRESS	12/04/2017	COMPLETED	12/05/2017
D(4)	RHM REAL ESTATE GROUP RHM REAL ESTATE INC. C/O JOHN JOYCE, JR. RHM REAL ESTATE INC.	SUMS COMPLAINT FEDERAL EXPRESS	12/04/2017	COMPLETED	12/05/2017
D(4)	RHM REAL ESTATE GROUP RHM REAL ESTATE INC. C/O JOHN JOYCE, JR. RHM REAL ESTATE INC.	E-FILING SERVICE EMAIL	12/28/2017		
D(4)			12/28/2017		

RHM REAL ESTATE GROUP RHM REAL E-FILE SERVICE
ESTATE INC. C/O JOHN JOYCE, JR. RHM EMAIL
REAL ESTATE INC.
JOHN DOE SECURITY CORPORATION
NAME AND ADDRESS UNKNOWN C/O SUMS COMPLAINT
JOHN JOYCE, JR. RHM REAL ESTATE FEDERAL 12/04/2017 COMPLETED 12/05/2017
INC. EXPRESS

Case Parties

PLAINTIFF (1) ERIMIUS SPENCER
C/O CRISTALLO & LASALVIA
614 WEST SUPERIOR AVENUE,
SUITE 801
CLEVELAND, OH 44113

ATTORNEY PAUL J CRISTALLO (0061820)
THE ROCKEFELLER BUILDING
614 WEST SUPERIOR AVENUE
SUITE 820
CLEVELAND, OH 44103-0000
N/A
Answer Filed: N/A

DEFENDANT (1) CITY OF EUCLID
585 E. 222ND STREET
EUCLID, OH 44123

DEFENDANT (2) EUCLID POLICE OFFICER, MICHAEL
AMIOTT, #82
C/O CITY OF EUCLID
585 E. 222ND STREET
EUCLID, OH 44123-0000

DEFENDANT (3) EUCLID POLICE OFFICER, SHANE
RIVERA, #63
C/O CITY OF EUCLID
585 E. 222ND STREET
EUCLID, OH 44123-0000

DEFENDANT (4) RHM REAL ESTATE GROUP RHM
REAL ESTATE INC. C/O JOHN
JOYCE, JR. RHM REAL ESTATE INC.
26949 CHAGRIN BLVD.,
SUITE 208
BEACHWOOD, OH 44112

ATTORNEY MATTHEW J. BAKOTA (0079830)
110 N. MAIN ST.
SUITE 1000
DAYTON, OH 45402-0000
Ph: 937-223-6003
Answer Filed: N/A





DEFENDANT (5) JOHN DOE SECURITY
CORPORATION NAME AND
ADDRESS UNKNOWN C/O JOHN
JOYCE, JR. RHM REAL ESTATE INC.
26949 CHAGRIN BLVD., SUITE #208
BEACHWOOD, OH 44112




Docket Information**Filing Date Side Type Description**

01/01/2018 N/A JE CASE MGMNT CONFERENCE SET FOR 01/23/2018 AT 02:15 PM. THIS
CASE IS SET FOR A PRETRIAL/CASE MANAGEMENT CONFERENCE.
COUNSEL FOR PLAINTIFF(S) SHALL INFORM ALL OPPOSING COUNSEL
AND/OR PRO SE PARTIES OF THIS DATE AND TIME. COUNSEL FOR ALL
PARTIES ARE REQUIRED TO BE PRESENT IN PERSON AND TO BE
FAMILIAR WITH THE UNDERLYING FACTS OF THE CASE. PARTIES NOT

Image

REPRESENTED BY COUNSEL ARE ALSO REQUIRED TO BE PERSONALLY PRESENT. FAILURE OF ANY PARTY'S COUNSEL OR PRO SE PARTY TO APPEAR AT ANY SCHEDULED EVENT DURING THE PENDENCY OF THIS CASE MAY RESULT IN DISMISSAL WITH PREJUDICE FOR FAILURE TO PROSECUTE AND/OR JUDGMENT BEING RENDERED. IF A CONTINUANCE IS SOUGHT FOR ANY REASON, THE APPROPRIATE MOTION MUST BE FILED NO LESS THAN 7 DAYS BEFORE THE SCHEDULED EVENT, AND THE COURT PROVIDED WITH A COURTESY COPY ON THE DATE OF FILING. DO NOT CALL THE COURT TO REQUEST A CONTINUANCE. NO CONSIDERATION WILL BE GIVEN TO REQUESTS NOT MADE IN WRITING, DOCKETED AND WITHIN THE TIMEFRAME ABOVE, ABSENT AN EMERGENCY. THE COURT REQUIRES A COURTESY COPY OF ALL PLEADINGS IN EXCESS OF 5 PAGES, TO BE HAND-DELIVERED TO THE COURT. E-FILED DOES NOT CONSTITUTE A COURTESY COPY. PLEADINGS 5 PAGES, OR LESS, IN LENGTH MAY BE FAXED TO THE COURT 216-348-4036. PLEADINGS OF 5 PAGES OR LESS THAT ARE E-FILED DO NOT NEED TO BE FAXED OR DELIVERED TO THE COURT. FAILURE TO COMPLY WITH ANY PORTION OF THE COURT'S STANDING ORDERS, INCLUDING THIS ORDER, MAY RESULT IN A DISMISSAL WITHOUT PREJUDICE. PARTIES ARE TO ABIDE BY THE COURT'S STANDING ORDERS CONTAINED HEREIN AND LOCATED AT: [HTTP://CP.CUYAHOGACOUNTY.US/JUDGES/NANCYMARGARETRUSSO](http://CP.CUYAHOGACOUNTY.US/JUDGES/NANCYMARGARETRUSSO) NOTICE ISSUED

12/28/2017	D4	OT	STIPULATION FOR LEAVE TO PLEAD FILED STIPULATED EXTENSION TO MOVE OR OTHERWISE PLEAD	
12/28/2017	D4	NT	NOTICE OF APPEARANCE, FILED D4 RHM REAL ESTATE GROUP RHM REAL ESTATE INC. MATTHEW J. BAKOTA 0079830. NOTICE OF APPEARANCE	
12/06/2017	N/A	SR	FEDEX RECEIPT NO. 33951163 DELIVERED BY FEDEX 12/05/2017 JOHN DOE SECURITY CORPORATION PROCESSED BY COC 12/06/2017.	
12/06/2017	N/A	SR	FEDEX RECEIPT NO. 33951162 DELIVERED BY FEDEX 12/05/2017 RHM REAL ESTATE GROUP RHM REAL ESTATE INC. PROCESSED BY COC 12/06/2017.	
12/06/2017	N/A	SR	FEDEX RECEIPT NO. 33951160 DELIVERED BY FEDEX 12/05/2017 EUCLID POLICE OFFICER, MICHAEL AMIOTT, #82 PROCESSED BY COC 12/06/2017.	
12/06/2017	N/A	SR	FEDEX RECEIPT NO. 33951159 DELIVERED BY FEDEX 12/05/2017 CITY OF EUCLID PROCESSED BY COC 12/06/2017.	
12/06/2017	N/A	SR	FEDEX RECEIPT NO. 33951161 DELIVERED BY FEDEX 12/05/2017 EUCLID POLICE OFFICER, SHANE RIVERA, #63 PROCESSED BY COC 12/06/2017.	
12/04/2017	N/A	SR	SUMMONS E-FILE COPY COST	
12/04/2017	N/A	SR	SUMMONS E-FILE COPY COST	
12/04/2017	N/A	SR	SUMMONS E-FILE COPY COST	
12/04/2017	N/A	SR	SUMMONS E-FILE COPY COST	
12/04/2017	N/A	SR	SUMMONS E-FILE COPY COST	
12/04/2017	D5	CS	WRIT FEE	
12/04/2017	D5	SR	SUMS COMPLAINT(33951163) SENT BY FEDERAL EXPRESS. TO: JOHN DOE SECURITY CORPORATION 26949 CHAGRIN BLVD., SUITE #208 BEACHWOOD, OH 44112	
12/04/2017	D4	CS	WRIT FEE	
12/04/2017	D4	SR	SUMS COMPLAINT(33951162) SENT BY FEDERAL EXPRESS. TO: RHM REAL ESTATE GROUP RHM REAL ESTATE INC. 26949 CHAGRIN BLVD., SUITE 208 BEACHWOOD, OH 44112	
12/04/2017	D3	CS	WRIT FEE	
12/04/2017	D3	SR	SUMS COMPLAINT(33951161) SENT BY FEDERAL EXPRESS. TO: EUCLID POLICE OFFICER, SHANE RIVERA, #63 C/O CITY OF EUCLID 585 E. 222ND STREET EUCLID, OH 44123-0000	

12/04/2017	D2	CS	WRIT FEE	
12/04/2017	D2	SR	SUMS COMPLAINT(33951160) SENT BY FEDERAL EXPRESS. TO: EUCLID POLICE OFFICER, MICHAEL AMIOTT, #82 C/O CITY OF EUCLID 585 E. 222ND STREET EUCLID, OH 44123-0000	
12/04/2017	D1	CS	WRIT FEE	
12/04/2017	D1	SR	SUMS COMPLAINT(33951159) SENT BY FEDERAL EXPRESS. TO: CITY OF EUCLID 585 E. 222ND STREET EUCLID, OH 44123	
12/01/2017	N/A	SF	JUDGE NANCY MARGARET RUSSO ASSIGNED (RANDOM)	
12/01/2017	P1	SF	LEGAL RESEARCH	
12/01/2017	P1	SF	LEGAL NEWS	
12/01/2017	P1	SF	LEGAL AID	
12/01/2017	P1	SF	COURT SPECIAL PROJECTS FUND	
12/01/2017	P1	SF	COMPUTER FEE	
12/01/2017	P1	SF	CLERK'S FEE	
12/01/2017	P1	SF	DEPOSIT AMOUNT PAID PAUL J CRISTALLO	
12/01/2017	N/A	SF	CASE FILED: COMPLAINT	

Costs

Account	Amount
CLERK'S FEES	\$101.26
COMPUTER FEES	\$20.00
COURT SPECIAL PROJECTS FUND	\$50.00
LEGAL AID	\$25.74
LEGAL NEWS	\$10.00
LEGAL RESEARCH - CIVIL	\$3.00
TOTAL COST	\$210.00

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.

For questions/comments please [click here](#).

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NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

NOTICE OF APPEARANCE
December 28, 2017 11:32

By: MATTHEW J. BAKOTA 0079830

Confirmation Nbr. 1260548

ERIMIUS SPENCER

CV 17 889899

vs.

CITY OF EUCLID, ET AL

Judge: NANCY MARGARET RUSSO

Pages Filed: 2

**IN THE COMMON PLEAS COURT OF CUYAHOGA COUNTY, OHIO
CIVIL DIVISION**

ERIMIUS SPENCER,

Plaintiff,

v.

CITY OF EUCLID, et al.

Defendants.

CASE NO.: CV 17 889899

JUDGE: NANCY MARGARET RUSSO

NOTICE OF APPEARANCE

Matthew J. Bakota and Auman Mahan and Furry hereby enter their appearance as counsel of record for Defendant RHM Real Estate, Inc. d/b/a RHM Real Estate Group in the above-captioned action.

s/Matthew J. Bakota

Matthew J. Bakota (0079830)

AUMAN, MAHAN & FURRY

110 North Main Street, Suite 1000

Dayton, Ohio 45402-1738

937-223-6003

937-223-8550 Fax

mjb@amfd Dayton.com

*Attorneys for Defendant, RHM Real Estate,
Inc. d/b/a RHM Real Estate Group*

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2017, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Paul J. Cristallo, Esq. (0061820)
The Rockefeller Building
614 West Superior Ave., Suite 820
Cleveland, OH 44113
216-400-6290
216-727-0160 Fax
paul@makeitrightohio.com
Attorneys for Plaintiff, Erimius Spencer

I further certify that a true copy was mailed by regular U.S. Mail to:

Euclid Police Officer
Michael Amiott, #82
Shane Rivera, #63
c/o The City of Euclid
585 E. 222nd Street
Euclid, OH 44123

s/Matthew J. Bakota
Matthew J. Bakota (0079830)